

REMARKS

Claims 1-32 are pending in this application. The specification is objected to because the title is deemed not to be descriptive. Claims 14-22 are withdrawn from consideration. Claims 7, 10-12, 27, 29 and 30 are rejected under 35 USC 102(b) as being anticipated by Hayashigawa. Claims 8, 13, 24, 25, 28 & 32 are rejected under 35 USC 103(a) as being unpatentable over Hayashigawa in view of Anderson. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Hayashigawa in view of official notice. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over Hayashigawa in view of Anderson and further in view of Simonelli. Claim 31 is rejected under 35 USC 103(a) as being unpatentable over Hayashigawa in view of Simonelli.

The title of the application has been amended herein to be more clearly indicative of the claimed invention.

Before discussing individual claims, the applicants offer the following general observations regarding the cited prior art patents.

The Hayashigawa patent describes a ride simulator that is responsive to signals generated by a package of sensors carried on-board a racecar in order to provide the user with a realistic sensation of being in the racecar. The simulator includes a cabin 40 that is mounted onto a motion base 52 wherein the user sits. The Examiner interprets the cabin 40 as being a "portable display unit." However, the cabin 40 of Hayashigawa is "portable" only in the sense that it can be moved from race to race on a road-capable trailer 38, i.e. it can be moved but it cannot be carried by a person. The specification of the present invention uses the word "portable" in the sense that it can be carried about by an individual person such as an individual attendee at an event. In other words, the present invention may be considered portable, while the device of Hayashigawa is only mobile but is not personally portable. As will be discussed more fully below, the claims of the present invention have been amended to more clearly differentiate these two concepts.

The Anderson patent describes a virtual reality television system. The television system of Anderson is a broadcast system wherein the user is located away from the event, and the virtual image allows the television image to seem more realistic to the user. This system utilizes complex signal processing techniques to create a database representing an event. The database is then manipulated to generate an approximation of the actual view from any user-selected

location - even locations where there are no actual cameras. The present invention provides an attendee at an event with the closed wireless network communications apparatus needed for an enhanced view as seen from the location of a closed circuit camera located elsewhere within the event. It therefore teleports the attendee from the spectator seat at an event directly into the live action area. The present invention utilizes no database representing the event and no special signal processing techniques, but rather presents the actual video image to the user as the camera receives it. In one embodiment, the present invention can provide a real three dimensional view to the user with true depth perception as would be seen by a human observer located at the location of the cameras. This is accomplished by providing a pair of cameras spaced apart the same distance as a pair of human eyes, with one unaltered image from each camera going to only one respective eye of the observer. The Anderson system only simulates a 3-D experience (column 39, line 19-20) by alternating two slightly different computer-generated 2-D images using a prior art "flicker" system, wherein the estimated right eye and left eye views are alternately displayed in accordance with a frame clock signal rate, as described at column 39, lines 16-43. The cameras of Anderson used to generate the data for the database are not spaced apart the same distance as two human eyes, but rather are separated by an angle selected on the basis of a number of other factors unrelated to the spacing of human eyes, as described in column 12, lines 5-24.

Finally, the Simonelli patent describes a fixed-base racing apparatus utilizing an operator's booth that is not portable.

With regard to specific claims, independent claim 7 has been amended herein to clarify that the portable display units are adapted to be worn or carried by the attendees at an event. The portable display units include both a multi-channel receiving device and a corresponding video display device. Claim 7 has also been amended to include the step of the attendees individually carrying or wearing respective portable display units for receiving the locally transmitted live-action wireless communications signals directly from the transmitters associated with each of the respective cameras for personal viewing, only while at the event, of individually selected images corresponding to unaltered live-action views received by the cameras. Each attendee can thus select his or her own preferred view without affecting the view of the other attendees. Nothing in Hayashigawa teaches or even suggests such a combination of limitations, thereby overcoming the rejection of claim 7 under 35 USC 102(b) and placing claim 7 and its dependent claims 8-11 and new dependent claim 33 in condition for allowance.

Dependent claim 8 has been amended to clarify that the pair of camera are placed at locations corresponding to a distance between the two eyes of a human observer, and that the portable display unit displays two adjacent images separated by that same distance to provide views corresponding to the views of the pair of cameras to provide true depth perception for viewing by the attendee at the event. Anderson provides only a simulated 3-D experience, and the images presented do not correspond to the views of the cameras but rather are computer-simulated images produced by a complex signal processing system. Therefore, the limitations of claim 8 provide additional bases for overcoming the rejection under 35 USC 103(b) and for the allowance of claim 8.

Dependent claim 10 has been amended to clarify that predetermined content transmitted via the closed wireless network communications system is different than the live action video signals and that the content is for selected alternative viewing by the attendees at the event. As described in the present specification at page 14, line 10 through page 15, line 20, such content may be viewed in place of the live images produced by the cameras. Hayashigawa fails to describe such alternative content, thereby providing an additional basis for overcoming the rejection under 35 USC 103(b) and for the allowance of claim 10.

A new claim 33 has been added to depend from claim 7. Claim 33 includes the limitations of transmitting wireless communications signals corresponding to predetermined content different than the video signals via the wireless communications system for selected viewing by the attendees; and offering the portable display units for rent to attendees for use during the event at a price responsive to the selected content. While a profit motive may be well known in many endeavors, there is nothing in the cited prior art that teaches or suggests the unique combination of steps of claim 33. Accordingly, new claim 33 is in condition for allowance.

Independent claim 12 has been amended herein to clarify that the display units are personally portable for personal viewing by attendees who are carrying and using the portable display units. Hayashigawa teaches away from such limitations by describing a display unit that must be moved about on a highway trailer. Accordingly, the rejection of claim 12 has been overcome and claim 12 and its dependent claim 13 are in condition for allowance.

Independent claim 24 has been amended herein to clarify that the pair of video cameras are positioned from two different perspectives corresponding to two eyes of a human observer, and that the personally portable receiver and personally portable video display devices are

carried by an observer for displaying to the two eyes of the observer respective images produced from the respective video signals, to provide an unaltered three dimensional view with true depth perception as though viewed by the observer from the perspective of the pair of cameras. The combination of Hayashigawa and Anderson fails to describe such a combination of limitations, since their devices are not portable and Anderson positions his cameras differently and provides only a simulated 3-D experience, with the views provided being computer generated approximations of a view and not being produced from the video signals from the cameras. Anderson does not produce images of the live event, but rather produces images of a virtual event recorded in and generated from a database used to re-simulate the live event. Because the combination of Hayashigawa and Anderson does not include all of the limitations of amended claim 24, the rejection of claim 24 under 35 USC 103(a) is overcome and claim 24 and its dependent claims 25-26 are in condition for allowance.

Claim 25 has been amended to add the limitation that the pair of cameras are positioned from two different perspectives corresponding to two eyes of a human observer, and to clarify that the selector is personally portable and transported by the observer with the personally portable receiver for displaying a three dimensional view with true depth perception. Thus, the limitations of claim 25 provide an additional basis for the allowance of that claim.

Independent claim 27 has been amended to clarify that the display unit is personally portable for personal viewing by a person carrying the unit. Hayashigawa fails to teach or to suggest such limitations, thereby overcoming the rejection under 35 USC 102(b) and placing claim 27 and its dependent claim 28 in condition for allowance.

Claim 28 has been amended to add the limitations that the pair of cameras are positioned from different perspectives corresponding to the distance between two eyes of a human observer, and that the personally portable display units carried by the observer provide a three dimensional view with true depth perception as though viewed from the perspective of the pair of cameras. The combination of Hayashigawa and Anderson fails to describe such a combination of limitations, thereby overcoming the rejection under 35 USC 103(a) and providing an additional basis for the allowance of claim 28.

Independent claim 29 has been amended to clarify that the receiver and video display device are personally portable and are carried by an observer. Hayashigawa teaches away from this combination, thereby overcoming the rejection of claim 29 under 35 USC 102(b) and placing claim 29 and its dependent claims 30-32 in condition for allowance.

Claim 30 has been amended to add the limitation that the selector is personally portable and is carried with the receiver. This limitation is not taught or suggested by Hayashigawa, thereby overcoming the rejection of claim 30 under 35 USC 102(b).

Claim 31 has been amended to clarify that the cameras are being moved relative to a fixed position relative to the scene in response to a view signal generated by a personally portable controller. This is analogous to turning one's head to look in a different direction. Simonelli teaches the remote control of the position of a racing car, which only incidentally changes the position of a camera within the car. The combination of limitations of a personally portable video display device and a personally portable controller for moving a camera relative to its fixed position to allow the observer to change his/her view of a scene, similar to turning one's head to see in a different direction. The racecar of Simonelli does not teach or suggest such a positioning device for moving a camera relative to a fixed position relative to a scene. Thus, the rejection of claim 31 under 35 USC 103(a) in view of the combination of Hayashigawa and Simonelli has been overcome, providing another basis for the allowance of claim 31.

Claim 32 has been amended to add the limitation that the video cameras are spaced apart by a distance of a pair of human eyes to capture two different views of the same scene from two different perspectives corresponding to two eyes of an observer, and that the personally portable video display devices are spaced apart by the same distance and adapted for displaying to the two eyes of the observer respective images of the scene from the perspective of the pair of cameras to provide true depth perception. The combination of Hayashigawa and Anderson fails to describe such a combination of limitations, thereby overcoming the rejection of claim 32 under 35 USC 103(a) and providing an additional basis for the allowance of claim 32.

The applicants believe that the personally portable video device and method of use of the present invention is unique and is not made obvious by the systems described in the cited prior art patents. The large and heavy rides or simulators described by Hayashigawa and Simonelli have value in creating a realistic environment for a user who wants to simulate being inside a racecar interior. However, such systems are very limited in their application, and in spite of being publicly known for many years, they have not been applied to any other application to the knowledge of the present inventors. The virtual television system of Anderson is a complex, computer-intensive, expensive network broadcast system that provides only a simulated view of a virtual environment. The present inventors are unaware of any use of such a system in the five years since that patent issued or in the eight years since its invention.

The present invention addresses an entirely different need than the cited prior art, a need that is not even recognized in the prior art. The present invention allows a large number of attendees at a live event to enjoy an enhanced visual experience by using a personally portable closed-network wireless video system. The personally portable system is easy to install, is easily carried or worn by event attendees, is easy to use, and is relatively inexpensive. This invention creates a whole new market for promoting live events. No longer will the "cheap seats" be a place where you can hear but can't really see. Promoters can now provide a plurality of close-up views of the action to everyone in the stadium. Dead time between action periods can be filled with alternative entertainment or advertising. Auxiliary content such as statistics, biographies, instant replay, or other related content can be provided to each attendee at their individual discretion. Imagine sitting in the top row of a huge stadium and being teleported to see performers as though you were right next to them on stage, with full human depth perception provided via a comfortable headset. Promoters may sell such systems for use by attendees at numerous future events, or they can rent them at prices that vary depending upon the content provided. The enhanced view provided by such a system will have an impact on live events that will be similar to the impact that wide-screens had on movies in years gone by - i.e. people want to be closer to the action and able to see the action more clearly and are willing to pay more money to do so. It will bring the action to the attendee in a way that the systems of the prior art were unable to do.

The Examiner is requested to consider the considerable impact that this invention will have on the attendee of a live event when he considers issues of obviousness. The function provided by the claimed combinations is unlike the function of prior art devices and methods. The present inventors have recognized a need that was unrecognized in the prior art. The particular combinations of limitations in the various claims of this invention are not taught nor are they even suggested in the cited prior art.

Copies of two Information Disclosure Statements with references are attached. These were previously filed on 11 April and 10 September 2001 and are being resubmitted to provide the Examiner with copies of all of the prior art citations. Per a telephone communication between the Examiner and the undersigned attorney, these references appear to have been received by the USPTO but were not found in the file when the Examiner received it. The attached copies are provided for use by the Examiner. In accordance with the Examiner's

instructions, no additional fee is required for the consideration of these references since they were previously submitted in a timely manner.

Please extend the period for response to the Office Communication by an additional two months. The \$210.00 fee for this extension of time is enclosed with this response.

Reconsideration of the application and the attached prior art and allowance of claims 7-13 and 24-32 are respectfully requested. The undersigned attorney is available at the Examiner's convenience should the Examiner believe that a telephone conference would be helpful to discuss any issues remaining unresolved by this amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Maire", written over a horizontal line.

David G. Maire

Reg. No. 34,865

Beusse, Brownlee, Wolter, Mora, and Maire, P.A.

390 North Orange Avenue, Suite 2500

Orlando, FL 32801

Telephone: (407) 926-7704

Facsimile: (407) 926-7720

Email: dmair@iplawfl.com